Substantially, the grounds of appeal are, that the two arbitrators did not take into consideration in making their award any advantage which the owners derived from the building and construction of the Canadian Northern Ontario Railway "and the other work for the purpose and in connection with which the land in question was alleged to be injuriously affected;" that these arbitrators refused to take into consideration the provisions of sec. 325 of the Municipal Act of 1913 (3 & 4 Geo. V. ch. 43); that, upon the evidence, it was manifest that the owners suffered no damage by the closing of Hope street; and that the evidence shewed that the owners were not injured to any greater extent or in any different manner than the general public in the vicinity of their property.

The Municipal Act of 1913 came into force on the 1st July, 1913. The by-law which provided for the closing of Hope street was passed and these arbitration proceedings were instituted not only before that Act came into force, but before it was passed. The appellants contend that they are entitled to invoke the Act of 1913, and to rely on sec. 325 thereof.

Without going into what would be the effect of the application of that section to these proceedings and to the award of these two arbitrators, I think the proceedings are properly under the former Act. To hold otherwise would be opposed to the fundamental rule of English law that no statute shall be construed so as to have a retrospective operation, unless such a construction appears very clearly in the terms of the Act, or arises by necessary and distinct implication. A statute is not to be construed so as to have greater retrospective operation than its language renders necessary. The advantage which, the appellants contend, enured to the owners' property, is not anything arising from the mere closing of the street, but from the advent of the railway and the changes incident thereto. But the "contemplated work," the advantage of which is to be considered by the arbitrators, is the work of the corporation alone: Re Brown and Town of Owen Sound (1907), 14 O.L.R. 627; and not other advantages to accrue to the property by reason of whatever changes or improvements the railway company did or made, or which result from the advent of the railway to that locality.

I have read all of the lengthy evidence taken before the arbitrators, and on it the two arbitrators whose award is now appealed against were, in my opinion, quite correct in coming to the conclusion they reached. From a perusal of the evidence a fair conclusion is that the respondents' property was injuriously